Supreme Court, U.S.
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No.

**In the**
# Supreme Court of the United States

STATE OF ALABAMA,
*Petitioner*,

v.

Renaldo Chante ADAMS,
*Respondent*.

On Petition for a Writ of Certiorari
to the Alabama Supreme Court

## PETITION FOR A WRIT OF CERTIORARI

TROY KING
*Attorney General*

KEITH MILLER
*Chief Deputy Attorney General*
Counsel of Record*

STATE OF ALABAMA
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130-0152
(334) 242-7401

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## QUESTIONS PRESENTED

Whether this Court should reconsider its decision in *Roper v. Simmons*, 543 U.S. 551 (2005).

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## DECISIONS BELOW

The decision of the Alabama Court of Criminal Appeals affirming Adams' conviction and death sentence is reported at *Adams v. State*, 2003 WL 22026043 (Ala. Crim. App. Aug. 29, 2003).

The decision of the Alabama Supreme Court reversing Adams' death sentence on the basis of this Court's decision in *Roper v. Simmons* is reported at *Ex parte Adams*, 2005 WL 3506662 (Ala. Dec. 23, 2005), and is reproduced in the Appendix.

## STATEMENT OF JURISDICTION

On December 23, 2005, the Alabama Supreme Court granted in part Adams' petition for certiorari and, on the basis of this Court's decision in *Roper v. Simmons*, "reverse[d] the judgment of the Court of Criminal Appeals [affirming] Adams's [death] sentence ...." *Adams*, 2005 WL 3506662, at *1. The Alabama Supreme Court noted that "[t]he opinion of the Court of Criminal Appeals states that Adams was 17 years old at the time of the offense," observed that "[n]othing filed in this Court disputes that fact," and therefore concluded that "it would appear that the United States Supreme Court's decision in *Roper* applies to Adams's sentence." *Id.*

Although the Alabama Supreme Court's decision appears to contemplate further proceedings – it "remand[ed] the cause for a determination of the impact of *Roper* on Adams's sentence" – there is nonetheless jurisdiction in this Court under 28 U.S.C. §1257(a). This case fits within the third "*Cox*" exception to the normal rules of finality. *See Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 481 (1975) ("[I]n

these cases, if the party seeking interim review ultimately prevails on the merits, the federal issue will be mooted; if he were to lose on the merits, however, governing state law would not permit him again to present his federal claim for review."); *see also California v. Stewart*, 384 U.S. 436, 498 n.71 (1966) (immediate review available where a state court had reversed a conviction on federal constitutional grounds and remanded for a new trial, and where an acquittal on remand would preclude an appeal by the State). If on remand here the trial court determines that Adams was indeed 17 when he committed the offense in question and on that basis re-sentences Adams to life without parole, the State may not as a matter of state law appeal the new, reduced sentence. *See, e.g., State v. Sullivan*, 741 So. 2d 1125, 1126-27 (Ala. Crim. App. 1999).

## CONSTITUTIONAL PROVISION INVOLVED

The Eighth Amendment to the United States Constitution provides as follows: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII.

## STATEMENT OF THE CASE

### A. Facts of the Crime

During the evening of August 20, 1997, Andrew Mills fell asleep on his couch watching television – his wife Melissa and their three young children were asleep in their rooms. He was later awakened by an intruder, Renaldo Adams, wearing a stocking pulled over his head. *Adams v. State*, 2003 WL 22026043, at *1 (Ala. Crim. App. Aug. 29, 2003).

As Adams threatened Mills with a knife, Mills begged Adams not to harm his family – offering Adams money if he would leave them unharmed. Adams ordered Mills to the couch and proceeded to the bedroom where Melissa was sleeping. When Mills heard the bedroom door open, he crept toward the bedroom, where he discovered Adams on top of his wife. Mills told Adams that his wife was four months pregnant and again pleaded with Adams not to harm his family. *Id.* at *1. Adams then jerked Melissa off the bed and held her hostage with a boning knife. R. 426. Adams forced Melissa back to the living area, took her engagement ring and what little cash was in the house, and then ordered Mills to go to an ATM for more money. R. 426-27. Mills, of course, agreed and soon returned with $375 – the maximum amount that could be withdrawn in a single transaction. Adams was not satisfied; he sent Mills back out for more money. *Adams*, 2003 WL 22026043, at *1.

Mills drove to a grocery store where a store employee called police. Mills informed the 911 operator that an intruder was holding his family at knifepoint, and officers were dispatched immediately to his home. *Id.*

Back at the house, Mills and police initially were unable to gain entry because the front door was locked. Eventually, one of the Mills' young daughters opened the door. As police officers chased Adams through the house, Mills' daughters directed him to their mother. R. 437. Mills found his wife in the bedroom soaked in her own blood and gasping for breath. *Adams*, 2003 WL 22026043, at *1. She, along with the couple's unborn child, died three hours later from massive blood loss caused by repeated stab wounds to the neck, liver, and lungs; Adams had raped her before killing her. *Id.* at *2.

**B. Proceedings Below**

An Alabama jury convicted Adams of three counts of capital murder for murdering Melissa Mills during the course of a rape, robbery, and burglary, and of one count of capital murder for murdering Melissa during the course of robbing her husband, Andrew. The jury also convicted Adams of robbery in the first degree for robbing Andrew.

At a separate sentencing hearing, the jury recommended, by a vote of 10 to 2, that Adams be sentenced to death. The trial court conducted a separate hearing at which time it allowed counsel to present arguments on sentencing. The trial court then sentenced Adams to death on the capital-murder convictions.

The Alabama Court of Criminal Appeals affirmed Adams' death sentence. *See Adams v. State*, 2003 WL 22026043 (Ala. Crim. App. Aug. 29, 2003). Citing this Court's decision in *Roper*, the Alabama Supreme Court reversed. *See Ex parte Adams*, 2005 WL 3506662 (Ala. Dec. 23, 2005).

## REASONS FOR GRANTING THE WRIT

This Court should grant certiorari in order to reconsider its decision in *Roper v. Simmons*, 543 U.S. 551 (2005). In the year since its issuance, *Roper* has been roundly criticized. *See, e.g.*, Jeffrey Rosen, *Juvenile Logic – Court Outsourcing. (The Supreme Court Decision on Youth Capital Punishment)*, The New Republic 11 (Mar. 21, 2005) (calling *Roper* "embarrassing," "analytically sloppy and glib," "careless," "perverse," "passive-aggressive[]," and "an invitation to the worst kind of judicial activism"). Only this Court, of course, can set matters straight. But time is of the essence; once "[t]he mistaken premise of the decision [has] been frozen into constitutional law," it will be "difficult to refute and

even more difficult to reject." *Thompson v. Oklahoma*, 487 U.S. 815, 855 (1988) (O'Connor, J., concurring in the judgment). Because *Roper* is a "one-way ratchet," opportunities for reflection simply will not present themselves in the future. The Court should step in to correct its error now, before it is too late.

As the State of Alabama argued in its amicus brief in *Roper*, there is no principled basis for concluding that 16- and 17-year-old murderers, *as a class*, are categorically incapable of acting with a degree of moral culpability deserving of society's severest punishment. Some juvenile offenders, to be sure, are not capable of the sort of cold-blooded calculation to which the death penalty is properly addressed. But others, like Adams here, most assuredly are. And that is the point: a juvenile offender's moral culpability, if it is to have any mooring in reality, must be assessed on an individualized basis.

As this Court held in *Stanford v. Kentucky*, "[i]n the realm of capital punishment in particular, 'individualized consideration [is] a constitutional requirement.'" 492 U.S. 361, 375 (1989) (quoting *Lockett v. Ohio*, 438 U.S. 586, 605 (1978)). Indeed, "one of the individualized mitigating factors that sentencers must be permitted to consider is the defendant's age." *Id.* (citing *Eddings v. Oklahoma*, 455 U.S. 104, 115-16 (1982)). There simply is no warrant, either in law or in fact, for abandoning the touchstone of individualized sentencing, which sensibly has characterized this Court's death-penalty jurisprudence for nearly a quarter century, in favor of a prophylactic rule that bears no necessary relationship to an adolescent offender's actual moral culpability. Where an individual offender – whether adolescent or adult – truly cannot appreciate the wrongfulness of his actions, he should by all means be spared the death penalty. But where an individual – again,

adolescent or adult – *can* make informed moral choices, he should be held fully responsible for the human consequences of those choices.

This Court's decision in *Roper* bottoms on three perceived "general differences between juveniles under 18 and adults" that, it is said, "demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders." 543 U.S. at 569. First, the Court pointed to a "lack of maturity" and an "underdeveloped sense of responsibility" among adolescents. *Id.* Second, the Court said that juveniles "are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure." *Id.* Finally, the Court posited that a juvenile's character "is not as well formed as that of an adult"; his personality traits "are more transitory, less fixed." *Id.* at 570.

We do not quarrel with the Court's statements insofar as they may apply to many, or even to most, juvenile offenders. But surely they do not hold true for *every* such offender. The Court's analysis repeatedly lumps all "juveniles" together, as if that class of individuals (1) were perfectly cohesive and homogenous, and (2) correlated precisely to the age 18. *See, e.g.*, *id.* at 569-72 ("juveniles," "juvenile offenders," "adolescents"). On the basis of that rough judgment, the Court's opinion concludes that the Eighth Amendment must prohibit capital punishment for "*all* juvenile offenders under 18." *Id.* at 571 (emphasis added).

But in the real world, neither assumption can be expected to hold in every case. And, indeed, at least twice, this Court's own opinion appears to recognize as much. Initially, citing the State of Alabama's amicus brief, the Court seemed to acknowledge (while not expressly "conced[ing] the point") that "a rare case might arise in which a juvenile offender has sufficient psychological maturity, and at the same time

demonstrates sufficient depravity, to merit a sentence of death." *Id.* at 572. In the same vein, the Court admitted that "[t]he qualities that distinguish juveniles from adults do not disappear when an individual turns 18" and that, "[b]y the same token, some under 18 have already attained a level of maturity that some adults will never reach." *Id.* at 573.

Given the evident over- and underinclusiveness of the class of "juveniles" that it had constructed, the Court correctly recognized that it needed to address the objection that "it is both arbitrary and unnecessary to adopt a categorical rule barring imposition of the death penalty on any offender under 18 years of age." *Id.* But, with respect, the Court's response to that objection is conclusion-assuming, and thus unpersuasive. The Court observed, in defense of its bright-line rule, that "[t]he differences between juvenile and adult offenders are too marked and well understood to risk allowing a youthful person to receive the death penalty *despite insufficient culpability*." *Id.* at 572 (emphasis added). The problem, as we see it, is that the italicized portion of that passage – which is necessary to hold the passage together – begs the question at the heart of the objection: Is it really true, in any particular case, that the juvenile offender before the court is "insufficient[ly] culpab[le]" to warrant the ultimate penalty?

We respectfully submit that Renaldo Adams – rapist, robber, burglar, and murderer of both Melissa Mills and her unborn child – *was* sufficiently culpable and should be held fully accountable for his actions.

* * *

The point, as we have said before, is that there is no magic – and certainly none of the constitutional variety – in the age 18. Just as there are adults who, for whatever reason, cannot fully comprehend the wrongfulness of their actions,